

OCA CIRCULARS NO. 59-2002, October 07, 2002

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TO:

THE COURT OF TAX APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, SHARI' A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI' A CIRCUIT COURTS, THE OFFICE OF THE STATE PROSECUTOR, PUBLIC DEFENDER'S OFFICE AND THE INTEGRATED BAR OF THE PHILIPPINES

SUBJECT:

SUSPENSION OF ATTY. FLORENTE E MADROÑO FOR ONE (1) YEAR

For the information and guidance of all concerned, quoted hereunder is the decision of the Second Division of the Supreme Court in Administrative Case No. 4497 entitled "Mr. and Mrs. Venustiano G. Saburnido vs. Atty. Florante E. Madrono" dated 26 September 2001, to wit:

"xxx

A lawyer maybe disciplined for any conduct, in his professional or private capacity, that renders him unfit to continue to be an officer of the court.[11] Canon 7 of the Code of Professional Responsibility commands all lawyers to at all times uphold the dignity and integrity of the legal profession. Specifically, in Rule 7.03, the Code provides:

Rule 7.03 — A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

Clearly, respondent's act of riling multiple complaints against herein complainants reflects on his fitness to be a member of the legal profession. His act evinces vindictiveness, a decidedly undesirable trait whether in a lawyer or another individual, as complainants were instrumental in respondent's dismissal from the judiciary. We see in respondent's tenacity in pursuing several cases against complainants not the persistence of one who has been grievously wronged but the obstinacy of one who is trying to exact revenge.

Respondent's action erodes rather than enhances public perception of the legal profession. It constitutes gross misconduct for which he may be suspended, following Section 27, Rule 138 of the Rules of Court, winch provides:

Sec 27 Disbarment or suspension of attorneys by Supreme Court, grounds therefore. — A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or other gross misconduct in such office, grossly immoral conduct, or by reason of his conviction of a crime involving moral turpitude, or for any violation of the oath which he is required to take before admission to practice, or for a willful disobedience appearing as an attorney for a party to a case without authority so to do.

xxx

xxx

WHEREFORE , respondent Atty. Florante E. Madrono is found GUILTY of gross misconduct and is SUSPENDED from the practice of law for one year with a WARNING that a repetition of the same or similar act will be dealt with more severely. Respondent's suspension is effective upon his receipt of notice of this decision, xxx"

Respondent's motion for reconsideration of the decision of 26 September 2001 was denied with finality in the resolution of the Second Division dated 28 January 2 which was received by respondent on 28 February 2002.

7 October 2002

PRESBITERO J. VELASCO, JR.

Court Administrator

[11] Ducal Jr. v. Villalon Jr., et al., A.C. No. 3910, August

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